

**UNITED STATES DISTRICT COURT**

## EASTERN DISTRICT OF TEXAS

CHARLIE BENNETT, III,

V.

**CIVIL ACTION NO. 1:17-CV-375**

**COMMISSIONER OF SOCIAL  
SECURITY ADMINISTRATION,**

§§§§§

*Defendant.*

**ORDER OVERRULING OBJECTIONS AND ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

The Plaintiff requests judicial review of a final decision of the Commissioner of Social Security Administration with respect to his application for disability-based benefits. This matter has been referred to the Honorable Keith Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge submitted a report recommending that the decision of the Commissioner be affirmed. The court has considered the report and recommendation filed on March 4, 2019 (Doc. No. 17), and the Plaintiff's objections (Doc. No. 18). The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. See Fed. R. Civ. P. 72(b). After careful consideration, the court concludes that the Plaintiff's objections are without merit. Therefore, the court ACCEPTS the magistrate judge's recommendation, OVERRULES the Plaintiff's objections, and AFFIRMS the Commissioner's denial of benefits.

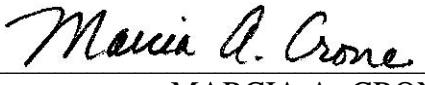
Plaintiff objects to the magistrate judge's determination that the ALJ's decision is supported

by substantial evidence. Plaintiff argues that the ALJ failed to give due consideration to the medical opinion evidence in formulating Plaintiff's residual functional capacity. The magistrate judge correctly determined that substantial evidence supports the ALJ's treatment of the medical opinion evidence and took into consideration the effect, or lack of effect, they had on his residual functional capacity. The magistrate judge correctly examined the ALJ's treatment of the treating physicians' opinions in the record pertaining to Plaintiff's limitations, and the ALJ's hypothetical to the vocational expert is consistent with the residual functional capacity determined by the ALJ.

The court concludes that the magistrate judge correctly identified and discussed the points of error argued by plaintiff and analyzed the points correctly. The magistrate judge properly examined the entire record to determine that substantial evidence supports the administrative law judge's assessments and determinations and the Commissioner's denial of benefits.

Accordingly, all of the Plaintiffs objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 26th day of March, 2019.



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE